

their health, their everything at places such as Tripoli, Belleau Wood, Haiti, Wake Island, Guadalcanal, Peleliu, Iwo Jima, Chosin, Inchon, Danang, Khe Sahn, Beirut, and Baghdad, Fallujah and Ramadi.

The death rate among Marines in Iraq has been more than double that of the other services. That's a first-to-fight, first-wave pattern that has pretty much held since the Revolutionary War, when 49 of the very first U.S. Marines of our country died in combat. Their mission was aboard ship; there are still Marines who serve at sea.

There are others who fly and maintain jets and helicopters, man the artillery, operate tanks and trucks, feed and supply the troops, compute and collate, train and inspect, march and make music, recruit, guard and escort, radio and communicate, patrol and snipe, as well as save tsunamis, earthquake and other disaster victims around the world, collect toys at Christmastime for American kids in need, stage a marathon run through Washington, D.C., for charity, or do whatever else needs to be done, particularly if the need is for it to be done well and be done immediately.

We are the Marines. And in the language of the rifle range, we are always ready on the right, ready on the left, all ready on the firing line, whatever kind of firing is required, and wherever that line may be.

#### CELEBRATING THE 99TH INFANTRY

Mr. WARNER. Mr. President, this past August, the surviving members of the 99th Infantry Division met together in Fort Mitchell, KY. Of this division, only a few remain. But the survivors and their widows gathered in August to complete the final chapter of the story of this exceptional group of Americans.

The Battle of the Bulge is well known to most Americans, but the efforts and triumphs of the 99th Infantry are less well recognized. These men played a crucial role in the eventual Allied victory, though few knew it at the time. This battle is best described by Professor Stephen Ambrose, the pre-eminent World War II historian who provides a snapshot of their efforts in an article in the *Military History Quarterly*. Ambrose describes the scene along Elsenborn Ridge:

To the north, between Monschau and Losheim, the U.S. 99th Infantry Division, newly arrived in Europe, and the 2nd Infantry Division . . . did not simply delay the German advance but stopped it along the critical point of the whole battle, Elsenborn Ridge. The low ridge . . . was the main objective of Sepp Dietrich's 6th Panzer Army. Elsenborn Ridge was the Little Round Top of the battle. The German General Dietrich drove his units mercilessly, but he could not take it due to the steadfastness of the American resolve and the sheer courage of these brave men facing the ultimate test in brutal conditions.

Ambrose adds,

"In the vast literature of the Battle of the Bulge, Elsenborn Ridge always yields pride of place to the far more famous action . . . at Bastogne. Everyone knows about the 101st Airborne at Bastogne; almost no one knows even the names of the 99th and 2nd Infantry. Yet it was along Elsenborn Ridge . . . that these two ordinary infantry divisions, largely out of touch with their commands,

outnumbered 5 to 1 and worse, outgunned and surprised, managed to stop the Germans in their main line of advance. The Germans never did take the Ridge.

Their heroic stand at Elsenborn Ridge helped turn the tide at the Battle of the Bulge, where we suffered some 80,000 casualties. Although many of the 99th have passed on, their tradition remains strong, especially among their descendants.

Mr. George Pedersen, a distinguished Virginia businessman, is the nephew of 99th Infantry soldier, SGT Arnie Goa. Like most of his fellow soldiers of this little known but critically important action, Sergeant Goa has passed into history, but his legacy lives on, and George Pedersen thought it important to commemorate his uncle and the soldiers of the 99th, so he volunteered to underwrite the reunion, paving the way for the remaining soldiers and their families to meet, exchange stories, and complete that final chapter of distinguished service to their Nation.

Many of these fine men may have passed, but in a very real sense, Sergeant Goa's spirit, and the spirit of his fellow soldiers, lives on in the lives and sacrifices of our young men and women in uniform who serve our country today. I know that these veterans of that long ago battle would all be immensely proud of those who now follow in their footsteps. I commend these veterans and their families for their great contribution to each of us, and I commend Mr. Pedersen for his contribution to their memories.

#### SUBMITTAL OF INTELLIGENCE COMMITTEE REPORT

Mr. ROBERTS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated November 16, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, November 16, 2006.

DEAR MR. PRESIDENT: As chairman and vice chairman of the Select Committee on Intelligence, we submit to the Senate the report of the Senate Select Committee on Intelligence regarding its activities during the 108th Congress from January 7, 2003, to December 8, 2004. The committee is charged by the Senate with the responsibility of carrying out oversight of the intelligence activities of the United States. While much of the work of the committee is of necessity conducted in secrecy, the committee believes that the intelligence community and this committee should be as accountable as possible to the public. This unclassified, public report to the Senate is intended to contribute to that objective.

Sincerely,

PAT ROBERTS,  
Chairman,  
JOHN D. ROCKEFELLER IV,  
Vice Chairman.

#### NATIONAL ADOPTION DAY

Mrs. LINCOLN. Mr. President, today I rise to commemorate National Adoption Day.

As a mother, I understand the joy and the meaning that raising a child can bring to one's life. I also understand the importance that a stable home can play in a child's development. Each year, National Adoption Day offers us all an opportunity to not only reflect on the benefits that adoption can bring but also to raise awareness of the thousands of children across our Nation who are still awaiting stable, nurturing, and loving homes and families.

Last year, 227 events were held on National Adoption Day in 45 States. In the process, over 3,000 adoptions were finalized. At Saturday's celebration in Hot Springs, AR, and at similar events across the country, we all hope to build on that success as hundreds of volunteers take time out of their schedules to help place children in permanent homes.

In my State of Arkansas, our judges, courts, and child advocates have worked tirelessly on behalf of our State's foster children. In consultation with them and in cooperation with my colleagues, I have done all I can to ensure our adoption process is as efficient as possible. With an estimated 118,000 children across our country in foster care and awaiting adoption, I urge my colleagues to continue working together on behalf of these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity but given timely placement with the home and the family that each and every one of them deserve.

I would also like to once again express my support and offer my heartfelt gratitude not only to the volunteers in Arkansas and across the country who make National Adoption Day the success it is but also to the selfless men and women who work every day on behalf of America's children.

#### INFLAMMATORY BREAST CANCER

Mrs. MURRAY. Mr. President, I rise today to make my colleagues aware of inflammatory breast cancer, IBC, the least common but most aggressive type of breast cancer. Although IBC accounts for 1 to 5 percent of all breast cancer cases in the United States, it is an especially aggressive and rare form of breast cancer.

The unique symptoms of IBC can result in misdiagnoses or late diagnoses. IBC often presents with similar symptoms as mastitis, a type of breast infection. The disease also occurs more frequently in younger women. Physicians may believe these young women are at lower risk for breast cancer and might misdiagnose their symptoms. Unfortunately, these delays in correct diagnosis result in the sad fact that IBC is more likely to have metastasized at the time of diagnosis than non-

IBC cases. IBC is also an especially aggressive form of breast cancer. As a result, the survival rate for patients with IBC is significantly lower than those with non-IBC breast cancer.

These sobering facts tell us that education and awareness about this rare cancer are desperately needed so that women are quickly and properly diagnosed. My home State of Washington is making important strides in this direction. In fact, Washington State recently celebrated Inflammatory Breast Cancer Awareness Week, thanks to the foresight of Governor Christine Gregoire and the hard work of Washington's IBC advocates. This special observance goes a long way in raising awareness about IBC in my home State.

Efforts such as Washington State's awareness week are a good start, but more education and awareness are needed for both patients and their physicians. We also must increase access to screening, especially for low-income women. One important step that Congress can take to increase these efforts is to pass S. 1687, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2005. For all types of breast cancer—but especially for IBC—early detection is critical to catching cancer early before it spreads. I am working with Chairman ENZI and Ranking Member KENNEDY to bring this bill up for a vote in the Health, Education, Labor, and Pensions Committee, and it is my hope that we can pass this bill before the end of the 109th Congress.

In closing, I commend the efforts of Governor Gregoire and the IBC advocates in Washington State. I am committed to making the Federal Government a strong partner in these efforts by increasing awareness and access to screening. Together, we can help ensure that every woman gets screened for breast cancer and that she and her doctor have access to the latest medical research.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the proclamation from Washington State to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PROCLAMATION

Whereas, except for nonmelanoma skin cancers, breast cancer is the most common cancer among women, and is the second leading cause of cancer death in women, exceeded only by lung cancer; and

Whereas, Inflammatory Breast Cancer (IBC) is the most aggressive form of breast cancer and has a faster doubling time than other breast cancers; and

Whereas, the total number of breast cancer cases diagnosed for 2005 was 210,000, and of that number, six percent were IBC; and

Whereas, symptoms of IBC are similar to those of mastitis, a benign breast infection, and because IBC usually grows in nests or sheets rather than a solid tumor, it can spread throughout the breast without a detectable lump. It is usually not detected by mammograms or ultrasounds unless there is a defined tumor; and

Whereas, laboratory based research on IBC has been limited because little, if any, pretreatment tumor tissue is available for research; and

Whereas, we recognize the courage and strength of women battling IBC, and the families and friends who love and support them, and our state is grateful for the hard work and commitment of our dedicated researchers and medical professionals; and

Whereas, with continued effort, we can raise any awareness of IBC and find new ways to prevent and treat this deadly disease;

Now, therefore, I, Christine O. Gregoire, Governor of the state of Washington, do hereby proclaim October 1-7, 2006, as Inflammatory Breast Cancer Awareness Week in Washington State, and I urge all citizens to join me in this special observance.

#### PRESERVING CRIME VICTIMS' RESTITUTION ACT

Mr. SESSIONS. Mr. President, I am pleased to join with Senator FEINSTEIN and cosponsor the Preserving Crime Victims' Restitution Act of 2006.

When a criminal defendant pleads guilty or is found guilty by a jury of his peers but dies before sentencing or while his case is on appeal, the defendant's victims should not sustain a financial loss and the defendant's estate should not profit from his crimes. The judicially created doctrine of abatement provides, however, "that the death of a criminal defendant pending an appeal of his or her case abates, *ab initio*, the entire criminal proceeding."

In its most extreme form, the scope of the doctrine can be breathtaking. As the U.S. Court of Appeals for the Fifth Circuit held in *United States v. Parsons*:

[T]he appeal does not just disappear, and the case is not merely dismissed. Instead, everything associated with the case is extinguished, leaving the defendant "as if he had never been indicted or convicted."

Common sense requires that punishments like imprisonment or probationary supervision terminate once a defendant dies. But when a criminal conviction involves remedial measures such as restitution to the victims of the crime or implicates civil forfeiture of property connected with the crime, we shouldn't pretend that nothing ever happened. A convicted defendant's death while his case is pending may cheat the hangman, and it may cheat the jailer—but it shouldn't cheat the victims.

Taking a criminal case to trial and obtaining a conviction can involve thousands of hours of work and a huge commitment of resources. In the recent conviction of Ken Lay, for example, the trial took nearly 4 months and cost the taxpayers millions of dollars. When a criminal conviction involves financial restitution to the victims of the crime or when the conviction could be used in a later civil law suit, those effects of the conviction should not be erased by the death of the defendant. It is wrong to force the victims or the government to start over from scratch.

The Preserving Crime Victims' Restitution Act addresses the unnecessary

and unfair effects of the abatement doctrine. It preserves restitution and the potential use of a criminal conviction. In later civil proceedings such as civil forfeiture, while protecting a defendant's rights.

If a defendant dies after pleading guilty or being found guilty by a jury, restitution and the use of the conviction in civil proceedings will be permitted. In such cases, the bill allows the defendant's estate to step into his shoes and continue to defend the conviction. The estate can appear on behalf of the defendant at sentencing, and it can file post-trial motions. The estate can also appeal the conviction.

This assures that the integrity of the criminal and appellate process is preserved and that there is an adequate opportunity to challenge the validity of a conviction and ensure that justice has been done. Basically, under this bill, the criminal and appellate process move forward with respect to restitution and use of a conviction in later civil proceedings just as though the defendant were still alive.

Ultimately, the Preserving Crime Victims' Restitution Act is about fairness. It is fair to victims—who too often get overlooked in the criminal process. It is fair to the Government—which may have committed enormous time and resources to obtaining a conviction. And it is fair to the defendant's estate—which should be allowed to represent the defendant's interests and contest the Government's case but should not be allowed to profit from crime simply because a defendant dies.

I hope we can move quickly to pass the Preserving Crime Victims' Restitution Act of 2006, and I urge my colleagues to support it.

#### HELP COMMITTEE AGENDA

Mr. KENNEDY. Mr. President, the message from this election is clear. There is little doubt that the American people want a change of course in Iraq. But they also want a government that stands with them and their families as they look to the future—jobs that reward their hard work, health care that is good and affordable, and education that continues to open the door to the American dream for all of our citizens.

That was the agenda of the voters in this election and it will be the agenda of our Health, Education, Labor, and Pensions Committee when we convene in the new year. And with Senator REID as our majority leader, America's families will see great progress on the issues that they care most about.

Yesterday, Democrats selected the membership of our committee. Every member is an experienced legislator with a deep commitment to working families and a solid record for getting things done.

So I welcome back Senator DODD, Senator HARKIN, Senator MIKULSKI, Senator BINGAMAN, Senator MURRAY, Senator JACK REED, and Senator CLINTON. And I welcome our new members: